

AMENDED IN ASSEMBLY APRIL 6, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 2472

Introduced by Assembly Member Wyland

February 23, 2006

An act to amend ~~Sections 68075 and 68130.5~~ *Section 68075* of the Education Code, relating to public postsecondary education.

LEGISLATIVE COUNSEL’S DIGEST

AB 2472, as amended, Wyland. Public postsecondary education: tuition and fees.

(1) Existing law establishes uniform student residency requirements for purposes of ascertaining the amount of tuition and fees to be paid by students of public postsecondary education institutions. Existing law entitles an undergraduate student at a campus of the California State University or the California Community Colleges to resident classification for the purpose of determining tuition and fees, if that student is a member of the armed forces of the United States stationed in this state on active duty. Existing law entitles a graduate student at the California State University to resident classification for the purpose of determining tuition and fees, for no more than one academic year, if that student is a member of the armed forces of the United States stationed in this state on active duty. Members of the armed forces assigned for educational purposes to a state-supported institution of higher education are excepted from these residency classifications. Existing law requests the Regents of the University of California to establish the same residency requirements for students enrolled at the University of California.

This bill would eliminate the one-year limitation on resident classification for graduate students, and would additionally entitle members of the military reserves and military veterans, as defined, as well as members of the immediate families of those persons, as defined, to resident classification. To the extent that this provision would require community college districts to change their practices with respect to determining residency, the provision would impose a state-mandated local program.

The bill would request the Regents of the University of California to establish, for students enrolled at the University of California, the same residency requirements as those established by this bill.

~~(2) Existing law requires that a person, other than a nonimmigrant alien, as defined, who has attended high school in California for 3 or more years, who has graduated from a California high school or attained the equivalent thereof, who has registered at or attends an accredited institution of higher education in California not earlier than the fall semester or quarter of the 2001–02 academic year, and who, if he or she is an alien without lawful immigration status, has filed an affidavit as specified, is exempted from paying nonresident tuition at the California Community Colleges and the California State University.~~

~~This bill would delete that exemption from payment of nonresident tuition, at the California Community Colleges and the California State University, for persons without lawful immigration status. To the extent that this provision would require community college districts to change their practices with respect to the determination of eligibility for an exemption from payment of nonresident tuition, the provision would impose a state-mandated local program.~~

~~(3)~~

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 68075 of the Education Code is amended to read:

68075. (a) An undergraduate student who is a member of the armed forces of the United States stationed in this state on active duty, a member of the armed forces reserves, a veteran, as defined in Section 88113, or a member of his or her immediate family, other than a member of the armed forces assigned for educational purposes to a state-supported institution of higher education, is entitled to resident classification only for the purpose of determining the amount of tuition and fees.

(b) A student seeking a graduate degree who is a member of the armed forces of the United States stationed in this state on active duty, a member of the armed forces reserves, a veteran, as defined in Section 88113, or a member of his or her immediate families, other than a member of the armed forces assigned for educational purposes to a state-supported institution of higher education, shall be entitled to resident classification only for the purpose of determining the amount of tuition and fees.

(c) As used in this section, “member of his or her immediate family” includes the spouse, children, stepchildren, and wards of the armed forces member, reserve member, or veteran, as well as any persons for whom the armed forces member, reserve member, or veteran is a legal guardian. “Member of his or her immediate families” does not include a cousin, uncle, aunt, niece, or nephew of the armed forces member, reserve member, or veteran.

SEC. 2. ~~Section 68130.5 of the Education Code is amended to read:~~

~~68130.5. Notwithstanding any other provision of law:~~

~~(a) A student, other than a person without lawful immigration status or a nonimmigrant alien within the meaning of paragraph (15) of subsection (a) of Section 1101 of Title 8 of the United States Code, who meets all of the following requirements shall be exempt from paying nonresident tuition at the California State University and the California Community Colleges:~~

~~(1) High school attendance in California for three or more years.~~

1 ~~(2) Graduation from a California high school or attainment of~~
2 ~~the equivalent thereof.~~

3 ~~(3) Registration as an entering student at, or current enrollment~~
4 ~~at, an accredited institution of higher education in California not~~
5 ~~earlier than the fall semester or quarter of the 2001–02 academic~~
6 ~~year.~~

7 ~~(b) A student exempt from nonresident tuition under this~~
8 ~~section may be reported by a community college district as a~~
9 ~~full-time equivalent student for apportionment purposes.~~

10 ~~(c) The Board of Governors of the California Community~~
11 ~~Colleges and the Trustees of the California State University shall~~
12 ~~prescribe rules and regulations for the implementation of this~~
13 ~~section.~~

14 ~~(d) Student information obtained in the implementation of this~~
15 ~~section is confidential.~~

16 ~~SEC. 3.~~

17 ~~SEC. 2.~~ The Legislature hereby requests the Regents of the
18 University of California to establish the same residency
19 classifications for students enrolled at the University of
20 California as those enacted by Section 68075 of the Education
21 Code, as amended by Section 1 of this act.

22 ~~SEC. 4.~~

23 ~~SEC. 3.~~ If the Commission on State Mandates determines that
24 this act contains costs mandated by the state, reimbursement to
25 local agencies and school districts for those costs shall be made
26 pursuant to Part 7 (commencing with Section 17500) of Division
27 4 of Title 2 of the Government Code.